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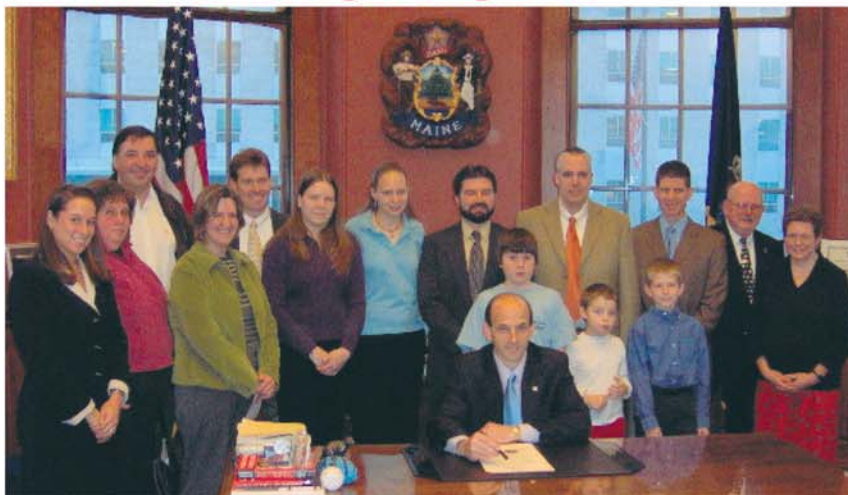
# State of Maine Board of Licensure for Professional Engineers

Volume 06, Issue 1

Spring Newsletter 2006

## Governor Baldacci Proclaims Engineering Week

On February 2, Governor John Baldacci met with engineers, present and future, from around the state, to sign the proclamation for Maine Engineers Week. Following handshakes and introductions, the Governor



Governor John Elias Baldacci signs the Proclamation establishing Engineering Week from February 17-24, 2006. Pictured from left to right behind Governor Baldacci: Megan Wallick (Neill & Gunter), Kathy Gustin Williams (PE Board), Peter Thum, Deborah Augustine (MEPC), Erik Wiberg (MEPC), Deborah and Sarah Williams (future engineers), Robert Chaput and his son, Brandon, Peter Merfeld (Maine Turnpike Authority) and his son, Kolbe, Will Haskell (Gorill-Palmer Consulting Engineers) and his son Jack, John Dority (Maine DOT and PE Board), and Be Schonewald (MEPC).

spent some time briefing the youngest future engineers, Kolbe Merfeld, Brandon Chaput, and Jack Haskell, on the accoutrements of the Governor's office. Jack correctly identified the star on the Maine seal

behind the Governor's desk as the north star, and won an official Governor's pen (made of recycled wood) from Governor Baldacci. Similar pens were presented to Brandon and Kolbe.

## PE and FE exams move to Orono

After forty years in Augusta, the site for the administration of professional engineering exams will relocate to Orono. Starting this October 27<sup>th</sup> and 28<sup>th</sup>, both the Fundamentals of Engineering (FE) and Principles and Practice (PE) examinations will be given at the Black Bear Inn at Orono.

Since the spring of 2004, the PE and FE exams have been administered by the Engineering and Land Surveying Examination Services (ELSSES), an agency of the National Council of Examiners for Engineering and surveying (NCEES).

Since 1966, the PE exam has been administered in Augusta and since 1965, the FE exam has been given at Bennett Hall on the UMO campus. Until recently the FE exam was also given in Augusta. It became evident that a single location would be more convenient for both administrators and proctors. The UMO campus location was not large enough to accommodate the increased number of candidates sitting for the FE exam. Orono is also more centrally located in the state.





## Farewell to Marilyn Condon

By Beatrice M. Labbe

On May 6, 2006 Marilyn Condon resigned her position as board clerk. Marilyn was first hired on a contract basis on June 10, 1983 as an Intermittent Clerk. Sylvester Poor, P.E. was the Secretary to the Board and the board office was in the basement of his home. Marilyn has some interesting memories of that time. The following Engineers are Secretaries that Marilyn also worked with: Daniel Webster, Jr., Walter J. Verrill, John K. Butts, Herbert R. Doten and Warren T. Foster. Prior to her employment with the board, Marilyn worked at M.D.O.T. and retired after twenty five years of service. In 2004, Governor Baldacci presented Marilyn with a pin for 50 Years of State Service. As Office Manager, I have worked with Marilyn since the spring of 1989. Marilyn had a strong work ethic and presented her work in a very neat, orderly and professional manner. We've shared many memories and many laughs. Her presence at the office will be missed and fondly remembered.

## Engineers Week Success

By Stephen W. Cole, PE



Engineers Week activities in February 2006 provided opportunity

to engage members of the profession in continuing education and in outreach to the public. The programs were preceded by a television and radio campaign which was focused on bringing young people and their parents to the Engineering Expo. On Friday, March 03, the Maine Society of Professional Engineers held a day long continuing education program for engineers. The program covered technical issues and ethics and was attended by more than 60 participants.



Visitors at PE booth at UMO fieldhouse.

The annual Engineers Week Banquet was held Friday evening and about 150 were in attendance to hear a presentation about Engineers without Borders.

The Engineering Expo was held on Saturday at the University of Maine. Attendance this year approached 1000. Those exhibiting at the Expo

left tired but pleased by the large turnout and the enthusiasm of the students, parents, and teachers in attendance.

The Engineers Week program is a huge undertaking by the Maine Engineering Promotion Council, its volunteers and sponsors. They deserve credit for another successful event.



***Paula enjoys talking with young people who are considering engineering as a profession.***

## **Paula M. Hamilton Leaves the Board**

On March 23, 2006, the public member of the Board of Licensure for Professional Engineers Paula M. Hamilton attended her last board meeting. Paula had been a member of the Board since April of 2001.

For over twenty years, Paula worked at Clark Associates, a firm which insures both architects and engineers. Her knowledge of the engineering profession made her a valuable member of our Board.

Paula has left the Board because she is relocating to Florida where she will continue to provide service to her clients by telecommuting. She has told us that her years on the Board meant a lot to her and would like to continue but realizes this is not possible.

While serving on the Board, one of Paula's favorite activities was working at the Board's booth at the annual MEPC Engineers Expo at either USM or UMO. She enjoyed talking with young people who were considering engineering as their future. They reciprocated and her popular booth was usually crowded with interested youngsters.

A dedicated and conscientious member of our Board, Paula missed very few meetings during her five year tenure. The Board appreciates her active participation and wishes her well in this new chapter of her life.



Visitors watch demonstrations and receive information at Engineering Week





## FROM THE CHAIR

By Ralph F. Sweet, PE

### Construction Projects Exempt From Engineering

The PE Board listened to a presentation at the March meeting by three well-known persons in the construction industry, a Code Enforcement Official, a Developer, and a Mechanical Contractor.

The presentation focused on the International Building Code's requirement adopted by many municipalities that generally states that construction documents will be stamped by registered design professionals where required by statutes of the jurisdiction in which the project is to be constructed.

In this context, the practice of Professional Engineering in Maine is defined by a statute that generally states that any consultation, investigation, evaluation, planning, design or responsible supervision of construction where there is any concern for the safety of the building's occupants is considered to be the practice of Professional Engineering.

The Board is attempting to respond to the requests from the construction industry to give them some relief from this all-encompassing statute. The construction industry representatives' reasoning is generally as follows:

1. It is impossible to find enough engineers to take responsibility for all the small projects such as the addi-

tion of the toilet facility to an existing commercial building.

2. There is a project size below which the minimum engineering fee becomes a sizeable addition to the project budget because there is a minimum amount of time needed for the engineer to review and design even the smallest project. This leads to slow and costly project delivery.

3. If there is no requirement for an architect's involvement when the project budget is less than \$50,000, then why is there a requirement for engineering involvement?

4. Some contractors are required to be licensed by the state and their training is sufficient to design and build small projects without engineering supervision. Some contractors have insurance to cover liabilities resulting from faulty design. All contractors are exposed to the risk of being sued for faulty design or faulty construction. For all these reasons, the public is being protected.

5. Engineers are not designing every construction project now and this puts the Code Enforcement Officials that are trying to enforce the new International Building Code in the position of being in violation of at least the letter of the law.

On the other hand, some engineers argue as follows:

1. If there is an aspect of the construc-

***"It's impossible to find enough engineers to take responsibility for all the small projects."***

## From the Chair (continued)

tion that is covered by the Life Safety Code, then there should be no exemption from the engineering statute because no contractor is licensed to interpret the design requirements of this code.

2. The only contractors licensed by the state are electricians and plumbers. This leaves the remainder of a project's construction under the control of persons with no minimum training requirements. The only construction review is by Code Enforcement Officers and building inspectors and they have limited responsibility for public safety. Also, some municipalities have no building code at all and no building inspection department.

3. No exemption should be allowed for any work associated with a place of assembly, a health care facility, a building over three stories, or public highways and bridges because of the complex design issues associated with these projects.

4. Some engineers want to leave the law as is because the public safety can be compromised by even the smallest construction project.

5. There are enough engineers to meet the needs of the construction industry and the fees added to the project budget are part of the cost of doing business.

I am sure that as the discussion develops there will be additional pros and cons. The PE Board is going to have discussion meetings with persons involved in the construction industry to look at the exemptions from licensing statutes in Maine and other states. Examples of the

range of exemptions that exist are:

1. There are municipal ordinances that allow contractors to obtain building permits for projects under \$50,000 without any review by a design professional.
2. Several states have no exemptions in their statute and require that all design of constructed projects be by licensed engineers. Some of those states also require that an engineer sign an affidavit stating that a project was constructed in accordance with the design documents before a certificate of occupancy will be issued.
3. Some states exempt from required engineering review such buildings as one and two-family residential buildings, farm buildings, pre-engineered manufactured buildings, and buildings up to 5,000 Square Feet that are occupied by no more than 20 persons.
4. FHA/Rural Development exempts projects from engineering review if they are less than \$50,000.
5. The Fire Marshals Office doesn't require plans stamped by an engineer for portions of project involving the Human Rights Act that are under \$50,000.
6. There is at least one state that allows licensed trades persons to design that part of any project covered by their license for which they will be the builder.
7. The Maine PE Board presently exempts state and municipal public works projects up to \$100,000; boat design up



***"Public safety can be compromised by even the smallest construction project."***





## FROM THE CHAIR (continued)

to 200 feet; US Government employees; employees of a corporation engaged in interstate commerce; and some subsurface sewage disposal designers.

On May 25, 2006, the PE Board hosted a discussion meeting with the following persons:

John W. Butts, representing the Associated Contractors of Maine

Stephen W. Cole, PE, Board Member

Stephen Dodge, representing the State Fire Marshal's Office

Warren T. Foster, PE, Board Executive Director

Christopher Green, Mechanical Services Inc.

Bill Lotz, PE, Board Vice Chair

Robert A. Mitchell, HVAC Services Inc.

Mike Nugent, Director of Inspections Division for the City of Portland

Ralph F. Sweet, PE, Board Chair

Paul Ureneck, CBRE/Boulos Co.

After a lengthy discussion about the need for exemptions for minor work where there is no impact a building's Life Safety Code requirements, attendees agreed that the following proposed exemptions are worthy of continued discussion:

- One or two family residences.
- Single use bathroom additions or renovations in existing buildings
- Revisions to existing HVAC systems and de-

sign of new HVAC systems up to \$10,000 provided this work has no impact on the building's Life Safety Code requirements and the maximum size single HVAC unit is 5 Tons.

- Farm buildings with an overall floor plan not exceeding 3,000 square feet.
- Revisions or additions to plumbing systems up to \$10,000 provided the work has no impact on the building's Life Safety Code requirements.
- Revisions or additions to structural systems up to \$10,000 provided the design is in accordance with the tables provided in the IBC.
- Revisions or additions to electrical systems up to \$10,000 provided the work has no impact on the building's Life Safety Code requirements.

All the work that is done under these exemptions would still be in accordance with the licensing requirements of the trade involved, ASHRAE recommended practices, the IBC, and the Fire Marshall's office.

The goal of the PE Board's discussions with construction industry representatives is to agree on some revision to the existing statute that can be presented to the legislature for their action in the upcoming session.

Any proposed exemption will have far reaching implications for everyone involved. If you want to comment on this issue please e-mail the PE Board office with your thoughts. If you have an interest in getting more involved in this discussion, then contact the PE Board office for a schedule of discussion meetings.

***"Any proposed exemption will have far-reaching implications for everyone involved."***

## License Renewals with Mandatory Continuing Education

By Kathy Gustin Williams, PE

The 2005 renewal period was the first time the mandatory continuing education was reviewed by this office. It was a trying renewal year, being a first for both licensees and the Board staff.

There were licensees who were surprised with the mandatory requirement, although the Board and its Continuing Education Committee put much thought, time and effort into informing the licensees over the prior two years through newsletters and an actual change to the Rules.

The board office fielded approximately fifteen to twenty phone calls per day and as many e-mails.

The Rule Changes developed in 2004 to implement the Statute change that requires mandatory continuing education are consistent with the NCEES model rules.

This permits portability of Professional Development Hours (PDH) between the more than half of the states in the country that currently require Continuing Professional Development.

Our task was to incorporate Mandatory Continuing Education into the existing renewal system. We had to develop processes and mechanisms to report the number of Professional Development Hours earned, audit the



reported numbers, and provide for exemption from the requirement. In addition our goals were to:

- Encourage On-Time Renewals
- Maximize the use of On-line Renewals
- Minimize the effort of licensees to renew
- Minimize the effort to administer the system by the Board staff

We needed to process the renewals, answer question, and provide a personal touch to shepherd people through the process at existing staffing levels of one part-time Executive Director, one full-time Licensing Supervisor, and one part-time Clerk.

The board had anticipated that it would lose some of its licensees as a result of the new requirement. A query of the data base indicates that approximately 240 licensees placed their license in the "Retired Status" for the first time. Approximately

120 licensees chose to not renew or chose to be placed in "Inactive Status". That leaves approximately 650 licensees who have not advised this office one way or the other of their desires. In the board roster that will be out shortly, they will be listed under "Contacts Lost".

The Continuing Education Committee reviewed a total of 31 Requests for Exemption. Of those, 6 were granted under the Armed Forces Provision, and 11 were granted for Medical/Disability or Severe and Continuing Job Loss under the Extenuating Situation Hardship or Disability Provision. The total denied was 14.

The Continuing Education Committee performed its "Random Audit" on June 6, 2006.

Out of the 50 audited, thirty were found to be 100% correct. There were ten that received guidance or a change in their carry-forward numbers from the committee and ten that have missing or inaccurate documentation and will need further consideration.

With a little fine tuning of the rules and processes, we hope that the 2007 renewal period will go much smoother.

***"The Board and its Continuing Education Committee put much thought, time and effort into informing the licensees over the prior two years."***

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## Schedule of Board Meetings:

June 29, 2006

September 28, 2006

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